| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/774,870 | 02/09/2004 | Brant L. Candelore | SNY-T5780.01 | 8804 |

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MILLER PATENT SERVICES
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| EXAMINER |
|---|
| MOORTHY, ARAVIND K |

| ART UNIT | PAPER NUMBER |
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| 2431 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)☒ Responsive to communication(s) filed on _15 June 2009_.
2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-22_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

### Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _09 February 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## DETAILED ACTION

1. This is in response to the RCE filed on 15 June 2009.

2. Claims 1-22 are pending in the application.

3. Claims 1-22 have been rejected.

### Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 June 2009 has been entered.

### Response to Arguments

5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 5-7, 12, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramaswamy et al US 2006/0242325 A1 (hereinafter Ramaswamy).

As to independent claim 1, Ramaswamy discloses a method of manipulating a stream of video data in a point of deployment module device, comprising:

at the point of deployment module device co-located (i.e. media consumption devices 12) with a retail host television receiver device [0013]:

receiving a stream of video data from the host television receiver device, the stream of video data being received by the host television receiver device from a multimedia broadcaster and being encoded according to a first coding (i.e. first format) [0020];

transcoding the stream of video data associated with the host television receiver device to convert the stream of video data to a second coding (i.e. Format B2), producing a transcoded data stream [0035]; and

sending the transcoded data stream back to the host television receiver device [0036].

As to claims 5 and 16, Ramaswamy discloses that the second coding comprises MPEG compliant coding [0034].

As to claims 6 and 17, Ramaswamy discloses that the point of deployment module comprises a point of deployment module compliant with an OpenCable™ standard format [0025].

As to claims 7 and 18, Ramaswamy discloses that the second coding comprises MPEG 2 compliant coding [0032]. Ramaswamy discloses that the first coding comprises one of MPEG 4 compliant coding, MPEG 7 compliant coding, Wavelet compression coding, and AVC coding [0034].

As to independent claim 12, Ramaswamy discloses a point of deployment module device

for manipulation of a stream of data, comprising:

> means forming a part of the point of deployment module device (i.e.
> media consumption devices 12) co-located with a retail host television receiver
> device for receiving a stream of video data from the host television receiver
> device, the stream of video data being received by the host television receiver
> device from a multimedia broadcaster and being encoded according to a first
> coding (i.e. first format) [0020];

> a transcoder forming a part of the point of deployment module device that
> transcodes the stream of video data to convert the stream of video data to a second
> coding (i.e. Format B2), producing a transcoded data stream [0035]; and

> means forming a part of the point of deployment module device for
> sending the transcoded data stream back to the host television receiver device
> [0036].

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 2-4 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ramaswamy et al US 2006/0242325 A1 (hereinafter Ramaswamy) as applied to claims 1 and 12

above, and further in view of Apostolopoulos et al US 2005/0097361 A1 (hereinafter Apostolopoulos).

As to claims 2-4 and 13-15, Ramaswamy does not teach that the stream of video data includes encrypted data. Ramaswamy does not teach decrypting the encrypted data. Ramaswamy does not teach encrypting the transcoded data stream.

Apostolopoulos teaches encrypting and decrypting [0058-00589] a media stream and the benefits of doing such a scheme. Apostolopoulos teaches encrypting a packet payload [0058].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ramaswamy so that stream of video data would have included encrypted data (i.e. payload). The encrypted stream would have been able to have been decrypted. The transcoded data stream would have been encrypted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ramaswamy by the teaching of Apostolopoulos because by using encryption it allows a potentially untrusted transcoder to perform transcoding in an appropriate manner, and still allows the intended receiver to validate the integrity of the transmitted data [0019].

8.   Claims 8-11 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy et al US 2006/0242325 A1 (hereinafter Ramaswamy) in view of Apostolopoulos et al US 2005/0097361 A1 (hereinafter Apostolopoulos).

As to independent claim 8, Ramaswamy discloses a method of manipulating a stream of video data in a point of deployment module device, comprising:

at the point of deployment module device (i.e. media consumption devices

12) co-located with a retail host television receiver device [0013]:

receiving a stream of video data from the host television receiver device,

the stream of video data being received by the host television receiver device

from a multimedia broadcaster and being encoded according to a first coding (i.e.

first format) [0020];

transcoding the stream of video data received from the host television

receiver device to convert the stream of video data to a second coding (i.e. Format

B2), producing a transcoded data stream [0035].

Ramaswamy does not teach that the stream of video data comprises encrypted data.

Ramaswamy does not teach decrypting the encrypted data. Ramaswamy does not teach

encrypting the transcoded data stream and sending the encrypted stream back to the host

television receiver device.

Apostolopoulos teaches encrypting and decrypting [0058-00589] a media stream and the

benefits of doing such a scheme. Apostolopoulos teaches encrypting a packet payload [0058].

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified Ramaswamy so that stream of video data would

have included encrypted data (i.e. payload). The encrypted stream would have been able to have

been decrypted. The transcoded data stream would have been encrypted.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have modified Ramaswamy by the teaching of Apostolopoulos because

by using encryption it allows a potentially untrusted transcoder to perform transcoding in an

appropriate manner, and still allows the intended receiver to validate the integrity of the transmitted data [0019].

As to claims 9 and 20, Ramaswamy teaches that the second coding comprises MPEG compliant coding [0034].

As to claims 10 and 21, Ramaswamy teaches that the point of deployment module comprises a point of deployment module compliant with an OpenCable™ standard format [0025].

As to claims 11 and 22, Ramaswamy teaches that the second coding comprises MPEG 2 compliant coding [0034]. Ramaswamy teaches that the first coding comprises one of MPEG 4 compliant coding, MPEG 7 compliant coding, Wavelet compression coding, and AVC coding [0034].

As to independent claim 19, Ramaswamy discloses a point of deployment module device for manipulation of a stream of data, comprising:

means forming a part of the point of deployment module device (i.e. media consumption devices 12) co-located with a retail host television receiver device for receiving a stream of video data from the host television receiver device [0013], the stream of video data being received by the host television receiver device from a multimedia broadcaster and encoded according to a first coding (i.e. first format) [0020];

a transcoder forming a part of the point of deployment module device that transcodes the stream of video data received from the host television receiver

device to convert the stream of video data to a second coding (i.e. Format B2), producing a transcoded data stream [0035].

Ramaswamy does not teach that the stream of video data comprises encrypted data. Ramaswamy does not teach decrypting the encrypted data. Ramaswamy does not teach encrypting the transcoded data stream and sending the encrypted stream back to the host television receiver device.

Apostolopoulos teaches encrypting and decrypting [0058-00589] a media stream and the benefits of doing such a scheme. Apostolopoulos teaches encrypting a packet payload [0058].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ramaswamy so that stream of video data would have included encrypted data (i.e. payload). The encrypted stream would have been able to have been decrypted. The transcoded data stream would have been encrypted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ramaswamy by the teaching of Apostolopoulos because by using encryption it allows a potentially untrusted transcoder to perform transcoding in an appropriate manner, and still allows the intended receiver to validate the integrity of the transmitted data [0019].

## *Conclusion*

9.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARAVIND K. MOORTHY whose telephone number is (571)272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Aravind K Moorthy/
Examiner, Art Unit 2431